

On October 5, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28629. Adulteration and misbranding of butter. U. S. v. A. B. Winkley Cheese Co. Plea of guilty. Fine, \$55 and costs. (F. & D. No. 39848. Sample Nos. 33173-C, 33184-C, 33212-C.)

This product was deficient in milk fat.

On March 4, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the A. B. Winkley Cheese Co. a corporation, Seattle, Wash., alleging that on or about June 12 and May 15 and 21, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska, quantities of butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Red Rock Butter * * * Kraft-Phenix Cheese Corporation, * * * Kent, Washington."

It was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly for what it purported to be, namely, butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that the shipping cartons and the wrappers bore a statement regarding it, namely, "Red Rock Butter"; that it was not butter; that it was a product containing less than 80 percent by weight of milk fat; and that the statement aforesaid was false and misleading.

On April 4, 1938, a plea of guilty on behalf of the defendant was entered and the court imposed a fine of \$55.

W. R. GREGG, *Acting Secretary of Agriculture.*

28630. Adulteration of tomato catsup. U. S. v. 118 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 40643. Sample No. 62070-C.)

This product contained mold.

On November 3, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of tomato catsup at Dubois, Pa., alleging that the product had been shipped in interstate commerce on or about July 13 and September 23, 1937, by the Farm King Packing Corporation from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc. * * * Fredonia, N. Y."

The product was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 31, 1938, a default decree of condemnation, with order of destruction, was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

28631. Adulteration and misbranding of butter. U. S. v. Turner & Pease Co. Plea of guilty. Fine, \$65. (F. & D. No. 39820. Sample Nos. 33169-C, 33171-C, 33187-C, 33192-C, 33193-C, 33198-C, 36052-C, 36053-C.)

This article was deficient in milk fat.

On March 4, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Turner & Pease Co., a corporation, Seattle, Wash., alleging that on or about May 11, 14, 22, 27, and 28, and June 4, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Meadowbrook * * * Butter Turner & Pease Co., Inc., Seattle."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which it purported to be.

The article was alleged to be misbranded in that the statement "butter," borne on the case and on the wrappers, was false and misleading in that it represented that the article was butter, namely, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by law; whereas it contained a less amount.

On March 28, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$65.

W. R. GREGG, *Acting Secretary of Agriculture.*

28632. Adulteration of crab meat. U. S. v. Oswald B. Meredith and Roland S. Meredith (Meredith & Meredith). Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 40766. Sample Nos. 47070-C, 67380-C, 67471-C, 67474-C.)

This product contained evidence of the presence of filth.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Oswald B. Meredith and Roland S. Meredith, copartners, trading as Meredith & Meredith, at Wingate, Md., alleging that on or about August 10, 11, and 16, 1937, the defendants had shipped from Wingate, Md., into the State of Pennsylvania quantities of crab meat that was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled in part: "Meredith & Meredith."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On March 1, 1938, a plea of guilty was entered on behalf of each defendant, and the court imposed a fine of \$25 on each defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

28633. Adulteration of crab meat. U. S. v. Ulman White and Oscar W. Nelson, copartners trading as White & Nelson. Pleas of guilty. Fines, \$100 and costs. (F. & D. No. 40763. Sample No. 42252-C.)

This product contained evidence of the presence of filth.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ulman White and Oscar W. Nelson, copartners trading as White & Nelson at Hoopersville, Md., alleging that on or about August 24, 1937, the defendants had shipped in interstate commerce from Hoopersville, Md., into the State of Pennsylvania a quantity of crab meat that was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "White & Nelson Packers and Shippers * * * Hoopersville, Maryland."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On March 1, 1938, a plea of guilty was entered on behalf of each defendant, and the court imposed a fine of \$50 on each defendant.

W. R. GREGG, *Acting Secretary of Agriculture.*

28634. Adulteration of tomato paste. U. S. v. Fredonia Salsina Canning Co. Inc. Plea of guilty. Fine, \$100. (F. & D. No. 40752. Sample No. 46502-C.)

This product contained excessive mold.

On January 1, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fredonia Salsina Canning Co., Inc., Fredonia, N. Y., alleging that on or about June 25, 1937, the defendant had shipped in interstate commerce from the State of New York into the State of Ohio a quantity of tomato paste that was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bird Brand, Tomato Paste Packed by Fredonia Salsina Canning Co., Fredonia, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 8, 1938, a plea of guilty was entered on behalf of the defendant and sentence was deferred until March 14, 1938, on which date a fine of \$100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*